

**Meeting the needs of a disabled person  
in a residential care home  
(06HDC04441, 16 August 2007)**

*Disability service provider ~ Caregiver ~ Care co-ordinator ~ Neglect ~ Respect ~ Dignity ~ Communication ~ Rights 1, 3, 4(2), 4(3), 4(4)*

A welfare guardian complained about the care provided to a profoundly disabled male resident in a residential home. The man was left unattended in a cold shower for an unspecified time, thought to be over the lunch period. This was not reported until about 5pm that evening or followed up until three days later. The caregiver suspected of leaving the man in the cold shower was suspended from duty. However, there was insufficient evidence that the caregiver intended to do so, and she was reinstated to her position.

It was held that the care co-ordinator did not take appropriate action on the evening of the incident to ensure the man's safety. The residential care home policy regarding reporting of abuse or neglect specified that the staff member who suspects or witnesses abuse or neglect must first make sure that the resident is safe, then call the service co-ordinator. The service co-ordinator then contacts the service manager, who commences an investigation into the matter. The care co-ordinator did not contact the service manager. By failing to comply with the procedure relating to the reporting of abuse and neglect, she breached Right 4(2).

It was also held that the residential care home did not provide a service that respected the man's dignity and well-being. The services provided were not consistent with his needs and did not optimise his quality of life. Therefore the residential care home breached Rights 1, 3, 4(3) and 4(4). The home was not found vicariously liable for the care co-ordinator's breach.